



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	10/646,434	)
Filed:	August 22, 2003	l hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:
For:	BREATHING ASSISTANCE APPARATUS	September 15, 2004  Signary & Sexton  Alliany & Sexton
Applicant:	OLSEN et al.	
Examiner:	Aaron J. Lewis	)
Art Unit:	3743	)
Attorney Ref	: 1171/40069B/112B	)

#### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant submits the present Supplemental Information Disclosure Statement and Form PTO/SB/08A.

Applicants hereby advise the Examiner of corresponding United States patent application Serial No. 10/495,070, filed on May 5, 2004.

This Supplemental Information Disclosure Statement is being filed after the receipt of the first Office Action but before the receipt of the Notice of Allowance on the merits and constitutes a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

In accordance with 37 C.F.R. §1.97, the presentation of this information shall not be construed as a representation that no other material information as defined in 37 C.F.R. §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.



In accordance with 37 C.F.R. §1.17(p), Applicant submits a check for \$180 as the petition

fee. If this check is lost on insufficient, please charge Account No. 20-1495.

Respectfully submitted,

Dated: 15,2004

Raiford A. Blackstone, Jr., Reg. No. 25,156

Linda L. Palomar, Reg. No. 37,903

TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

Sheet

### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Cor	nplete if Known	1
Application Number	10/646,434	
Filing Date	August 22, 2003	
First Named Inventor	Gregory James Olsen	
Art Unit	3743	
Examiner Name	Aaron J. Lewis	
Attorney Docket Number	1171/40069B	
	Application Number Filing Date First Named Inventor Art Unit Examiner Name	Complete if Known           Application Number         10/646,434           Filing Date         August 22, 2003           First Named Inventor         Gregory James Olsen           Art Unit         3743           Examiner Name         Aaron J. Lewis

	_			DOCUMENTS	Pages, Columns, Lines, Where
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2 (fluo wn)</sup> US- 5097837	03-24-1992	Izumi	
		<sup>US-</sup> 5752510	05-19-1998	Goldstein	
		US- 5735272	04-07-1998	Dillon et al.	
		<sup>US-</sup> 5533506	07-09-1996	Wood	
		US-			
		US-	<u> </u>		
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		FORE	<b>GN PATENT DOCU</b>	MENTS		т —
Examiner Initials*	Cite No.1	Foreign PatentD ocument	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> "Number <sup>4</sup> "Kind Code <sup>5</sup> (if known)			1	_
		EP 1163924	12-19-2001	Gradon et al.		_
		WO 87/03704	06-18-1987	Timmons et al.		-
		AU 156493	01-24-1952			╄-
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	1					<u> </u>

	Date	
Examiner	Considered	
Signature		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the This collection of information is required by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND

TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Case 112B 1171/40069B September 15, 2004 RAB/LLP/tes

Serial No.:

10/646,434

Filed:

August 22, 2003

For:

BREATHING ASSISTANCE APPARATUS

Applicant:

Olsen et al.

Enclosed: INFORMATION DISCLOSURE; 7 cited references; A check in the amount of \$180.00; Certificate of First Class Mailing, and this postcard.

Receipt Acknowledged:

F/U: 10/15/0

SEP 2 1 200

#### **HON. COMMISSIONER FOR PATENTS:**

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105 W. Adams Street, 36th Floor Chicago, Illinois 60603



TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTB:

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In re applicati	ion of: Olsen et al.
Serial No.:	10/646,434
Group Art:	3743
For:	BREATHING ) ASSISTANCE APPARATUS)
Filed:	August 22, 2003 )
Atty. Docket	No.: 1171/40069B ) 112B )

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on November 25, 2003.

**PATENT** 

#### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Arlington, VA 22313-1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant is not aware of any material prior art but, in an abundance of caution and candor, Applicant submits the present Supplemental Information Disclosure Statement and the attached Form PTC-1449. Copies of the listed references are included herewith.

This Supplemental Information Disclosure Statement is being filed before receipt of the first Office Action on the merits and constitutes a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

In accordance with 37 CFR §1.97, the presentation of this information shall not be construed as a representation that a search has been made or that no other material information as defined in 37 CFR §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 CFR §1.56.



Should the Examiner believe a fee is required, the United States Patent and Trademark Office is hereby authorized and requested to charge the fee to the deposit account of the undersigned firm, Account No. 20-1495.

Respectfully submitted,

589042

Raifor A. Blackstone, Reg. No. 25,156 Linda L. Palomar, Reg. No. 37,903

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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTY, DOCKET NO. 1171/40069B/112B

SERIAL NO. 10/646,434

PATENT AND TRADEM
INFORMATION DISCLOSURE STATEMENT BY APPLICANT

APPLICANT: Olsen et al.

U.S. PATENT DOCUMENTS	-		(Use	seve	eral sh	eets if	neces	sary)			FILING DATE: August 22, 2003	GROUP 3743			
NAME   CLASS   CLASS   APPROXIMATE   A   4   5   9   9   8   3   0717/84   Beyreuther et al.									U.	S. PATENT	DOCUMENTS		•		
NAME   CLASS   CLASS   APPROXIMATE   A   4   5   9   9   8   3   0717/84   Beyreuther et al.															
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5 9 7 6 0 7 7 11/02/99   Hofstetter et al.			5	6	8	7	7	1	5	11/18/97	Landis et al.				
5			5	1	9	3	5 ~	3	2	03/16/93	Moa et al.				
4			5	9	7	5	0	7	7	11/02/99	Hofstetter et al.				
5			5	1	1	7	8	1	8	06/02/92	Palfy				
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3   5   1   3   8   4   4   0.5/26/70   Smith			5	2	7	1_	3	9	1	12/21/93	Graves				
3   5   1   3   8   4   4   05/26/70   Smith   Salter et al.	(		5	0	4_	2	4	7	8	08/27/91	Kopala et al.			_	
5   4   7   7   8   5   2   12/26/95   Landis et al.			3	5	1	3	8	4	4	05/26/70					
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5			4	8	2	3	7	8	9	04/25/89	Beisang, III				
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3 6 4 3 8 6 0 0 02/22/72   Hudson et al.			5	5	1	3	6	3	5	05/07/96	Bedi				
A			5	6	8_	2	8	8	1	11/04/97	Winthrop et al.		L		
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DOCUMENT NUMBER   DATE   COUNTRY   CLASS   TRANSLATION   YES   NO			4	7	7	4	9_	4	6	10/04/88	Ackerman et al.				_
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DOCUMENT NUMBER   DATE   COUNTRY   CLASS   CLASS   TES   NO									FOR	EIGN PATEN	IT DOCUMENTS	· · · · · · · · · · · · · · · · · · ·	· · · ·		
DOCUMENT NUMBER   DATE   COUNTRY   CLASS   CLASS   YES   NO													SITE	TRANS	LATION
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)  United States Patent Application Publication No. 2003/0000533, dated 01/02/03; entitled Breathing Assistance Apparatus; Inventor: Olsen et al.  United States Patent Application Publication No. 2002/0005201, dated 01/17/03; entitled Nasal Mask; Inventor: Gradon et al.		wo	0			9	3	8	1	11/29/01	International				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)  United States Patent Application Publication No. 2003/0000533, dated 01/02/03; entitled Breathing Assistance Apparatus; Inventor: Olsen et al.  United States Patent Application Publication No. 2002/0005201, dated 01/17/03; entitled Nasai Mask; Inventor: Gradon et al.		wo	9	8	4	8	8	7	6	11/05/98	International				
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United States Patent Application Publication No. 2002/0005201, dated 01/17/03; entitled Nasal Mask; Inventor: Gradon et al.				Un	ited S	tates F	atent						ssistance /	Apparatus	s;
								Applic	ation P	ublication No. 2	2002/0005201, dated 01/17/03	; entitled Nasal Mask;	; Inventor:	Gradon e	et al.
	EXAMINER					<u>_</u> .	<u>-</u>								

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.





e date indicated 'A 22313-1450.



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	Not yet assigned )	
Filed:	August 22, 2003	Certificate of Mailing by "Express Mail"  Express Mailing No.: EV 32628470500  Date of Deposit: 011.0104 22 2003
For:	BREATHING ASSISTANCE ) APPARATUS )	I hereby certify that this paper or file is being deposited with the United Stat "Express Mail Post Office Box Addressee" Under 37 C.F.R. §1.10 on the above addressed to Commissioner for Patents P.O. Box 1450, Alexandria,
Applicant:	Olsen et al. )	Tiffany A Sexton
Examiner:	Not yet assigned )	
Art Unit:	Not yet assigned )	
Attorney Ref:	1171/400 <b>6</b> 9B/112B )	

#### **INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant is not aware of any material prior art but, in an abundance of caution and candor, Applicant submits the present Information Disclosure Statement and Form PTO-1449.

This Information Disclosure Statement is being filed concurrently with the continuation patent application on the merits and constitutes a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

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Should the Examiner believe a fee is required, the United States Patent and Trademark

Office is hereby authorized and requested to charge the fee to the deposit account of the

undersigned firm, Account No. 20-1495.

Respectfully submitted,

Dated Lugart 22, 2003

Raifond A. Blackstone, Reg. No. 25,156

Linda L. Palomar, Reg. No. 37,903

TREXLER, BUSHNELL, GIANGIORGI,

BLACKSTONE & MARR, LTD.

105 W. Adams Street, 36th Floor Chicago, Illinois 60603

(312) 704-1890

Sheet	1	of	1

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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.: 1171/40069B/112B-CIP

SERIAL NO. Not yet assigned

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•		(Us	e sev	eral sh	eets if	neces	ssary)			FILING DATE: August 22, 2003	GROUP	Not yet	assigne	d
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		2	4	1	4	4	0	5	01/14/47	Bierman et al.			APPRI	JPRIAI
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Applicant:

OLSEN et al.

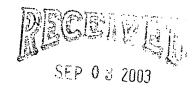
Title:

**BREATHING ASSISTANCE APPARATUS** 

NEW PATENT APPLICATION entitled BREATHING ASSISTANCE APPARATUS including: 8 specification pages; 3 claim pages; 1 Abstract page; 15 sheets informal drawings; Executed Declaration and Power of Attorney Form; Transmittal (in duplicate); Application Data Sheet; firm check in the amount of \$1546.00; Information Disclosure Statement; PTO-1449; 6 cited references; Preliminary Amendment; Certificate of Express Mailing; and this postcard. EXPRESS MAIL NO. EV326284705US



TESSIER, DUSHKELL, CHARGORGI & BLACKSTONE, LTD. 105 W. Adarns Street, 36th Floor Chicago, Illinois 60603



TREXIER, RUSHHELL, BIANG OF BLACKSTONG & LOADS, 121

1171/40069B Case 112B November 25, 2003 RAB/LLP/tes

Serial No.:

10/646,434

Filed:

August 22, 2003

Inventors:

Olsen et al.

For:

**BREATHING ASSISTANCE APPARATUS** 

Enclosed: SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT; Form PTO-1449; 23 cited references; Certificate of First Class Mailing, and this postcard.

Receipt Acknowledged:

F/U: 12/25/03

HON. COMMISSIONER FOR PATENTS:

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TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.

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CHICAGO, IL 6 DEC 0 9 2003

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